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GOVERNMENT DOCUMENTS

A CITIZEN GUIDE TO  
MUNICIPAL GOVERNMENT IN  
THE CITY OF HAMILTON

Prepared by

Barbara Tisdall

April, 1978

THE  
**SOCIAL  
PLANNING**

and

RESEARCH COUNCIL  
of Hamilton and District

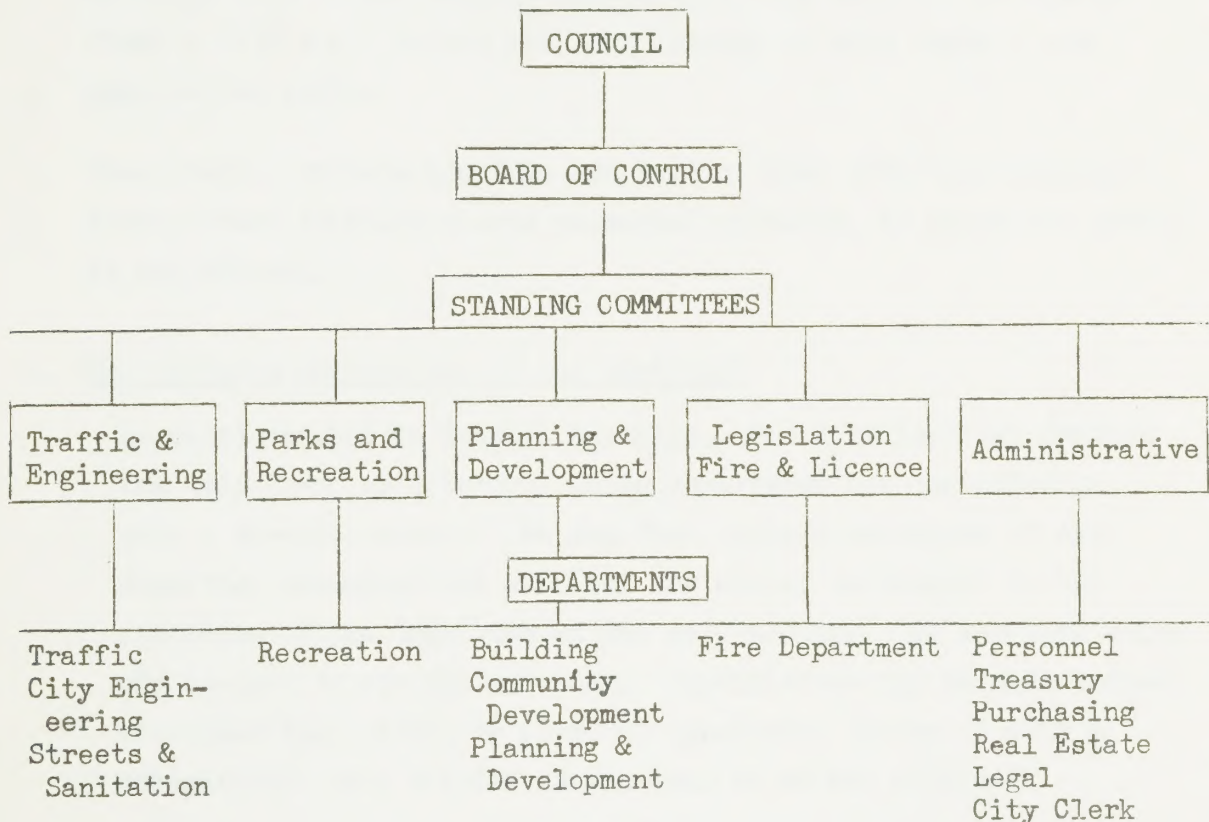


## CITIZEN GUIDE

Municipal responsibilities have been changed since Regional Government came into effect in 1974.

Broadly speaking, the City Council has supervision over local planning (zoning and neighbourhood), local streets and sidewalks, garbage collection, bus shelters, local libraries, parks and recreation, fire protection, building restrictions, tax collection and issuing of licences.

The structure of municipal government is shown below.





## CITIZEN GUIDE

Municipal responsibilities have been changed since Federal

Government came into effect in 1974.

Broadly speaking, the City Council has supervision over local

planning (zoning and subdivision), local streets and sidewalks,

various collection, bus and tax, local libraries, parks and recreation,

fire protection, building construction, law collection and health.

license.

The structure of municipal government is shown below.

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### ORGANIC COMMITTEE

Public & Recreation	Parks and Recreation	Township & Development	Law & Health	Administration
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### DEPARTMENTS

Public & City Affairs	Sanitation	Planning & Development	Law & Health	City Clerk
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CITY COUNCIL

Q. What does it do?

Functions as set down by Provincial Legislature under the Municipal Act -

1. Supply essential services (water, hydro, sewer, roads, public transportation, garbage collection.
2. To provide planning for land use in the city.
3. Supervise character, progress, development and quality of life in the city.
4. To collect taxes.

Composed of the Mayor, 4 Controllers, 16 Aldermen.

Q. Can citizens attend?

Meetings held in the Council Chambers at City Hall on the second floor - 7:30 p.m., second and last Tuesday of each month - are open to the public.

Occasionally private meetings are held to deal with land acquisitions, court settlements and personnel problems, to which the public is not allowed.

Q. Can citizens participate in the meetings?

- no participation at Council meetings. But a citizen may contact the City Clerk to determine which department has jurisdiction over a specific matter. He may then contact secretary of the committee concerned and ask that the matter be brought to the attention of the Committee at the next meeting. He may also voice his concern to his own alderman. Applications may be made before the Committee, either by personal appearance (alone or with a delegation), by a written submission, or by his alderman.

If proposal is approved by Committee, it is brought to Board of Control and thence to Council.





Q. Is agenda available in advance?

Copies of the agenda are available either late Friday afternoon of Monday morning before the next scheduled Tuesday evening meeting of Council.

Q. Are minutes of meeting available?

Copies of the minutes are available two weeks following the meeting.

Back copies are available and are kept on file for the fiscal year.

#### BOARD OF CONTROL

Q. What does it do?

It is both the executive and finance committee of Council.

Primary jurisdiction over all financial matters.

Responsible for City personnel.

A 2/3 majority vote of Council is necessary to alter or amend any Board of Control recommendations for financing or personnel changes. A simple majority vote can reject Board of Control recommendations on all other matters.

1. Prepares city budgets.
2. Specifies and awards all contracts and calls for tenders for work, materials, supplies and machinery, and reports to Council at next meeting.
3. Nominates all department heads - and any other permanent officers and clerks. Recommends salaries for officers and clerks.
4. Oversees regular inspection of all programs and projects.





5. Must report and is responsible for dismissal and suspension of any department heads or deputy department heads.
6. Recommendations on rate of pay of all city employees.
7. Negotiates with unions on behalf of Council.
8. Recommendations for amalgamation of departments and creation of new departments.
9. Considers and reports on all matters pertaining to the sale and disposal of any lands through City's Real Estate Department.

Composition: Mayor, Chairman of the Board

4 Controllers elected by municipal vote

Q. Can citizens attend?

All meetings are held on Monday and Wednesday at 9:30 a.m.

All meetings are public except those when the best interests of the Corporation in land transactions and personnel matters make it necessary that they be private.

Q. Can citizens participate in the meeting?

Citizens can participate, either personally or be represented by their alderman or spokesman from committee involved.

To be heard, they must contact secretary of Board of Control and ask to be put on the agenda.

Q. Is agenda available in advance?

Meetings are held Monday and Wednesday at 9:30 a.m. The agenda is available late in the afternoon prior to the meeting.

Q. Are minutes of meetings available?

No minutes are available because of the controversial nature of much of the matters under discussion. A photostate of a certain section may be obtained at the discretion of Board of Control Secretary, who is executive assistant to the Mayor.



Committee:

A group of officials, selected by Council to handle matters pertaining to a specific area of government.

Types of Committees:

Standing Committee: A permanent committee responsible for formulating policy. Composed of 1 Controller and 8 Aldermen (one from each Ward)

Members of standing committees of the Council are appointed at the first meeting of a newly-elected Council.

Four major standing committees are:

1. Traffic & Engineering
2. Legislation, Fire and Licence
3. Planning & Development
4. Parks and Recreation

Other committees are set up at the same time and include:

- Administrative
- Pollution Control
- Selection
- Airport
- Harbour
- Hamilton Place Convention Centre, Policy and Control

Sub-Committees: Smaller, more workable bodies to study and make recommendations and be responsible to the parent committee.

Ad hoc Committees: Committees set up for a limited time around a certain area under study.





Special Purpose Bodies: A committee which contains more citizen members than elected members and one which has a clearly defined function (e.g. Concert Committee)

Boards and Commissions: Separate corporations which exist independently of Council. They are created through legislation of Council and their areas of responsibility are clearly defined (e.g. Art Gallery, Library Board)

Committee Functions:

Traffic and Engineering Committee

Most public works fall under its jurisdiction.

- Reconstruction, repairs and maintenance of all city roads not controlled by the Region.
- Reconstruction, repairs and maintenance of all sidewalks
- Jurisdiction over road allowances
- Street lighting - location and quality
- Alleyways
- Bicycle paths
- All matters pertaining to traffic violations
- Municipal parking lots
- Bus shelters
- Traffic signs and signals
- Snow removal

Parks and Recreation Committee

- Responsible for operation and maintenance of all parks and open spaces
- Responsible for recreational facilities
- Maintenance of historical sites and public buildings





### Planning and Development Committee

Establishes policy and governs the activities of the Planning Department and the Department of Community Development.

- Governs land use - zoning - preparation of the Official Plan
- Downtown redevelopment
- Development of the neighbourhood improvement programs

### Legislation, Fire and Licence Committee

- Responsible for granting licences for civic receptions and conventions
- Management of city properties (market)
- Recommendations of licences for most trades
- Operation of the Fire Department
- Tax appeal sub-committee

### Departments

A department is established and set up by a committee to perform certain specific functions. A department is directly responsible to the committee which sets up its policy.

#### City Clerk's Department

Located on the second floor of the City Hall.

Deals with the public more than any other department, and is the best source of information. Administrative details such as agendas, records, by-laws, issuing of licences, registration of births, marriages and death all come under the jurisdiction of this department.

#### Building Department

Located on the third floor of the City Hall.

Issues building permits for any kind of construction work and governs all matters pertaining to design, erection, construction, installation, reconstruction, alterations, demolition, removal and use of buildings.



Treasury Department

Located on the first floor of the City Hall.

Responsible for all financial affairs of the corporation and for the preparation of the budget.

Legal Department

Located on the fifth floor of the City Hall.

Full-time legal service for civic administration.

Purchasing Department

Located on the first floor of the City Hall.

Responsible for all purchases made by the city, and makes recommendations and evaluates requests for grants.

Real Estate Department

Located on the first floor of the City Hall.

Responsible for purchasing, selling, leasing, and renting all properties belonging to the city.

Fire Department

Located at 55 King William Street.

Responsible for policy and operation of the Fire Department.

Locations of Various Departments at City Hall

1st Floor	-	Switch Board Traffic Personnel Treasury Purchasing Real Estate
2nd Floor	-	City Clerk's Department
3rd Floor	-	Building Community Development





4th Floor - City Engineering  
5th Floor - Legal  
Streets and Sanitation  
Recreation  
6th Floor - Regional Engineering  
7th Floor - Regional Planning

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# I. BY-LAWS

## WHAT IS A BY-LAW?

A by-law is a regulation or rule adopted by a corporation or an organization. In this case, the corporation is the "City of Hamilton".

The Board of Control or a committee submits a recommendation to Council. If Council, after debate, agrees with the recommendation, it is put to a vote. It must receive three readings before becoming a by-law.

The first two readings may be heard before the end of a meeting, and the third must take place at the following Council meeting.

On occasion, with the unanimous consent of Council, the third reading may be heard at the first meeting.

Since its inception, the City of Hamilton has passed approximately 50,000 by-laws. A simple numbering system is used by City Hall to file these.

<u>Year</u>		<u>By-law Number</u>
77	-	259
78	-	1





All zoning by-laws are indexed according to by-law number, street number, and with a comment on the area covered. These are computer indexed with a cross reference by subject matter.

There is some confusion with consolidated by-laws (by-laws with amendments inserted in the appropriate place), and these are not legally admissible.

A certified copy of the original by-law and a separate copy of the amendment(s) must be obtained for legal use from the City Clerk.

#### HOW TO RETRIEVE A BY-LAW

Requests should be directed to the City Clerk's Department located on the second floor of the City Hall.

A charge of 10¢ a page is made.

If by-law number is known, a copy will be produced immediately. If number is not known, the search may take a little longer.

A by-law number may be retrieved from the Computer Assessment Centre. A clerk from the City Clerk's Department will give directions to the Centre.

## II. PROPERTY TAXATION

All real property in a municipality is evaluated and assessed under the Assessment Act controlled by the Provincial Government.

#### HOW TO FIND OUT AMOUNT OF TAXES

Telephone or personal inquiries will be answered.



Telephone: Taxation Office, City Hall - 527-0241

Location: Taxation Office, 1st floor, City Hall

Correct address is required.

Amount of taxes will be disclosed upon inquiry.

The tax rate is calculated from the assessed value, the mill rate plus special charges such as water or sewer rates.

e.g. The mill rate is 143.8002 per thousand of assessment.

If assessment value is \$5,000.00, the tax rate would be

5 x 143.8002 + special charges.

Assessment notices are usually received in December. To answer questions arising from the assessment notice, inquiry should be directed to:

Regional Assessment Office,  
447 Main Street East,  
Hamilton, Ontario.  
L8N 1K1

Telephone: 528-8621

#### HOW TO APPEAL ASSESSMENT

Appeal procedure directions are included with the assessment notice. The time for appealing any error in the assessment is thirty-five days.

Form must be returned to:

Regional Registrar,  
Assessment Review Court,  
678 Main Street East, Ste. 303,  
Hamilton, Ontario.  
L8M 1K2

Telephone: 549-4173





Taxes must be paid to avoid overdue penalty, but a refund or an adjustment will be made when decision is reached on appeal.

#### Tax Review Committee at City Hall

Set up to appeal taxes when a business is terminated before the end of the year, or when demolition or fire has destroyed a building and reduction of taxes is indicated.

The secretary of the Tax Review Committee at City Hall should be contacted. He will advise on necessary procedure.

#### Tax Appeal Sub-Committee

A committee set up for adjustment of taxes on compassionate grounds. Its function is to provide tax relief for those who are suffering from extreme poverty or illness. Application should be made to the secretary of the committee.

### III. PROPERTY

#### HOW TO FIND OUT IF A PROPERTY IS SUB-STANDARD

Contact the Building Department at City Hall to inquire if a report of sub-standard property, with an order for repair, has been filed.

If no report has been filed, the staff in the Building Department will direct the inquiry to the proper department.

- e.g. - Faulty wiring to Fire Prevention  
- Inadequate sewage disposal to Regional Engineering  
- Health hazards to Public Health  
- Unsafe structural faults to Building Department



Q. 1. HOW DO I FIND OUT WHO OWNS A CERTAIN PROPERTY?

- A.
- 1) Go to City Clerk's Department - second floor, City Hall.
  - 2) Ask a clerk for directions to the Computer Assessment Centre.
  - 3) There are no attendants to assist in the search.
  - 4) Correct address is required (street and number).

There are two ways to get the required information:

- a) through the use of a computer or
- b) through the assessment roll books.

a) Computer Information

- 1) Correct address is required.
- 2) Follow exactly the directions which are given for operation of the computer.
- 3) Owner information will appear on computer screen.
- 4) If printout is required, direction is given for obtaining it.

b) Assessment Roll Books

- 1) Correct address is required.
- 2) Refer to a book in the same office, titled "Corporation of the City of Hamilton".
- 3) Ward number, sub-division number and parcel (lot) are given in connection with address.
- 4) Correct assessment roll book may be selected using these figures.
- 5) Owner information is contained in this book.



Q. 2. HOW DO I FIND OUT WHO LIVES IN A CERTAIN BUILDING?

A. Follow the same steps as in Question 1.

If "tenant" information is required in addition to "owner" information, depress "entry" information key of computer again, when owner information is completed.

Computer data is updated in January and July of every year. If computer information is out-of-date due to changes in ownership of a certain property after January or July of a specific year, the information may be obtained from the Registry office at the Provincial Court House - located at 50 Main Street East.

Procedure

Registered plan and lot number are required.

This information is obtained from Computer Assessment Centre.

R.P. -- (registered plan number), L -- (lot number) appear underneath address.

- 1) Ask at counter for the Plan Survey Book.
- 2) Under the registered plan number, the name of the survey and the number of the Abstract Book in which the information is contained is listed.
- 3) Ask at the counter for correct Abstract Book by number.
- 4) Name of present owner will be registered under column headed "grantee".
- 5) Charge of search is \$1.00.

Q. 3a. HOW DO I FIND OUT WHAT IS PLANNED FOR A VACANT LOT?

A. Telephone or personal interview inquiries will be answered.





Telephone: City Hall, Building Department, 527-0241

Personal Inquiry: Building Department, 3rd floor, City Hall

- 1) Correct address is required
- 2) Questions directed to a counter clerk
- 3) If information concerns a new sub-division, there may not be a record in the Building Department. Inquiry will be re-directed to the appropriate department either Planning Department on the 7th floor, or Real Estate located on the 1st floor.

Q. 3b. HOW DO I FIND OUT WHAT IS PLANNED FOR A LOT WHERE BUILDING IS BEING DEMOLISHED?

- A.
- 1) Correct address is required. Before a demolition permit is issued, future plans for land use must be disclosed.
  - 2) Inquiry will be answered at the Building Department. If the Building Department has no record, inquiry will be directed to Real Estate Department on the first floor.

#### HOW TO APPEAL A DECISION RELATING TO SUB-STANDARD PROPERTY

When the complainant disagrees with an "Order to Repair" which has been received, the decision may be appealed before the Property Standards Committee.

Application should be made to the secretary of the Committee who will advise as to the proper procedure. This appeal must be made within ten days of receiving the order.

If the complainant is a landlord or a tenant, the appeal will be heard by the Landlord and Tenant Advisory Bureau. The secretary will advise on the proper procedure.



#### IV. ZONING

a) WHAT IS ZONING?

Zoning establishes the kinds of building and functions permitted on a specific property, thus determining the general nature and character of a neighbourhood.

b) HOW IS ZONING FORMULATED?

The City Official Plan was approved in 1951, and established the general land use throughout the City.

The City was divided into 118 neighbourhoods, and a land use plan was developed for each.

Zoning by-laws create a number of classes of land use and place restrictions and requirements on each class.

All planning done at the municipal level must get final approval from the Region.

c) HOW DO I FIND OUT ZONING FOR A PIECE OF PROPERTY?

Telephone or personal inquiries will be answered.

Telephone: Building Department, City Hall - 527-0241

Personal

Interview: Building Department, 3rd floor, City Hall

1) Correct street address is necessary.

2) Direct question to counter clerk.

If information is not available in Building Department, the inquiry will be directed to the Planning Department. If information concerns a new sub-division, the lot number will be required.





Lot number will be supplied from Building Department if sufficient description of area is available.

If unable to pin-point lot, the number must be traced through Registry Office, 50 Main Street East.

d) HOW DO I CHANGE ZONING?

To apply for zoning change, contact secretary of the Planning Department - Mr. J. West.

Required: 1) Fee of \$100.00  
2) 3 copies of a surveyor's plan  
3) 2 copies of application obtained from  
Planning Department

The applicant will be notified of the time and date of the hearing and he, his agent, or a delegation may make representation.

All property owners within a 400' radius may be notified of the proposed change.

After approval is given, all property owners within a 400' radius must be notified of the proposed change.

There is a two week period in which decision may be disputed. The proposal is sent to O.M.B. for final decision if no dispute is registered.

Usually takes six to eight months to be finalized.

For development of a new sub-division, the time required is approximately two months.



e) HOW DO I OPPOSE A ZONING CHANGE?

All property owners within a 400' radius are notified of the proposed change. A yellow card is attached to the notification, and the property owner is requested to indicate his approval or disapproval of the change within two weeks.

The returns are tabulated by Planning Department and a report on the consensus is passed on to Council.

If the re-zoning is approved by Council, and after the third reading of the by-law (see section on By-laws), the property owners are again notified.

Within twenty-one days, letters of objection must be filed with the City Clerk, who will then pass them on to Council. The zoning by-law and letters of objection are sent to O.M.B. (see page 19).

All those who have objected are notified of the time, place and date of the O.M.B. hearing and may make a submission before them. A decision is made at the hearing or shortly thereafter.

If still dissatisfied, arrangements may be made for a final appeal which is made to the Cabinet of the Provincial Government.

V. THE ONTARIO MUNICIPAL ACT

All municipalities derive their power and responsibility from the Provincial Government. Their basic powers, responsibilities and procedures are set out in one general municipal Act.

As an example, the Municipal Act authorizes the creation of a Board of Control and City Council, and specifies their functions.



It makes provision for municipalities to borrow money, subject to the approval of the Ontario Municipal Board (O.M.B.).

It establishes the right of a city council to licence most trades and activities.

A copy of the Ontario Municipal Act may be obtained from the Ontario Bookstore, 880 Bay Street, Toronto, Ontario. Copies of the Act are on file at the Reference Library and the Urban Documentation Centre at McMaster University.

#### VI. ONTARIO MUNICIPAL BOARD (O.M.B.)

The Ontario Municipal Board is partly administrative and partly judicial board which is created by the province, and whose members are appointed by the province.

All O.M.B. hearings are open to the public. It is set up to act as an impartial body to hear appeals from citizens who are dissatisfied with decisions made by local government. It is a special agency which effectively regulates the growth and development of a municipality.

The Board consists of two or three members whose approval is necessary before a municipality may incur long-term debts, or change existing boundaries. It rules on large capital expenditures, and, with certain exceptions, all zoning by-laws.

O.M.B. approval is necessary before a municipality can enact any zoning changes. All those whose property lies within 400' of the proposed change are notified of the time, place and date of the O.M.B. hearing. Objections will be heard at that time and a ruling will be handed down.





HOW TO APPEAL AN O.M.B. DECISION

When a citizen is dissatisfied with the result of a hearing, an application and an affidavit setting out reasons for the appeal may be sent to:

Ontario Municipal Board,  
180 Dundas Street West,  
Toronto, Ontario.  
M5G 1E5

The appeal will be heard in Toronto.

An alternate court of appeal is the Provincial Cabinet. It is advisable to retain the services of a lawyer.



## INFORMATION SOURCES

### City Clerk's Department

The City Clerk's Department is located on the second floor of the City Hall. The City Clerk is an official, appointed by the Council, who is responsible for clerical and administrative details of the Council. Agendas, records of proceedings, meeting notices, by-laws and documents are all available from this Department.

The Clerk is responsible for issuing licenses, for registration of births, deaths and marriages, for supervision of elections, and for applications for local appeals.

This Department is the best information source for any municipal problems, and will direct inquiries to the proper department.

### Central Information Service

A community information centre located at 42 James Street N., Hamilton, Ontario, L8R 2K2. Telephone: 528-0104.

It is designed to provide accurate information on community services, to identify the problem, and to refer the inquiry to the appropriate source if the answer is not immediately available.

Information is available on: Housing, Day Care, Pollution, consumer difficulties, Family and Budget Counselling, Legal Counselling, Recreation, Seniors' activities and services, government programs and services, and financial assistance.

It publishes several resource directories, a monthly community information bulletin, and a weekly column in the Spectator entitled "You Asked".



Hamilton Public Library

Located at: 55 Main Street West,  
Hamilton, Ontario.  
L8P 1H5

Telephone: 529-8111

The Ready Reference Department is able to answer simple and quick reference questions over the phone.

Municipal by-law information is available through the library.







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